



Security Council

Distr.: General
29 March 2008

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 28 March 2008 from the Charge d'affaires a. i. of the Permanent Mission of Barbados to the United Nations addressed to the Chairman of the Committee

I have the honour to refer to the letter dated 2 November 2007 from the Chairman of the Committee, regarding the submission of the report of Barbados, pursuant to Security Council resolution 1540 (2004).

In this regard, I have the honour to transmit herewith the report on behalf of the Government of Barbados (see annex). I wish to reiterate the commitment of the Government of Barbados to the international fight against terrorism and its full support for the work of the Committee.

Claudia Gayle Francis-Vaughan
Charge d'affaires a.i.



Annex to the letter dated 28 March 2008 from the *Chargé d'affaires a.i.* of the Permanent Mission of Barbados to the United Nations addressed to the Chairman of the Committee

Report of Barbados pursuant to the operative paragraphs of Security Council resolution 1540 (2004) on preventing the acquisition, development, use and illicit trafficking of nuclear, chemical and biological weapons by non-State actors

States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire ... or use nuclear, chemical or biological weapons and their means of delivery

1. The Government of Barbados does not support the proliferation of nuclear, chemical or biological weapons. Barbados has always been and continues to be very vocal in the international arena with regard to condemning the use and proliferation of weapons of mass destruction. The Government of Barbados does not possess nuclear, chemical or biological weapons or technology in relation thereto. Barbados does not support any actor, State and non-State alike, in the use or proliferation of such weapons, nor does it intend to lend any such support or to change its stated position in respect of weapons of mass destruction. Barbados recently reinforced its opposition to the proliferation of weapons of mass destruction by becoming a party to the Chemical Weapons Convention and the Comprehensive Nuclear Test Ban Treaty. Barbados is now in the process of implementing the provisions of these treaties.

All States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor from manufacturing, acquiring ... or using nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes as well as attempts to engage in ... activities, participate in them as an accomplice, assist or finance them

2. The Anti-terrorism Act, Cap. 158 prohibits and penalizes acts of terrorism, as defined by the Act, as well as the financing of terrorist acts. The Act also provides for the freezing of assets of persons or entities suspected of funding terrorism. The Act may be applied to assets held and acts committed outside of Barbados. It states in Section 3(1)(a) that a person in or out of Barbados who carries out an act that constitutes an offence under or defined in any of the treaties in the Second Schedule to the Act is guilty of the offence of terrorism and liable upon indictment and conviction to the highest penalties for murder and manslaughter. The Second Schedule to the Act includes the Convention on the Physical Protection of Nuclear Material, 1980 and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988. The former describes offences prohibiting the activities in question. The latter prohibits and penalizes the commission of offences on ships and its provisions are part of domestic law by virtue of the Convention's incorporation into the Shipping Act, Cap. 296. The offences prohibited by this Convention include:

- (a) Seizing control of a ship by force or by threat thereof;
 - (b) Destroying or causing damage to the ship thereby endangering its safe navigation;
 - (c) Placing or causing to be placed upon a ship any device or substance that would damage or destroy the ship so as to endanger its safe navigation.
3. The Money-laundering and Financing of Terrorism (Prevention and Control) Act, Cap. 129, deals specifically with the financing of terrorism. Its provisions include the establishment of mechanisms for preventing incidents of money-laundering, for detecting and investigating suspected cases of money-laundering and for freezing the assets of suspected money-launderers and financiers of terrorism.
4. Other legislation exists, which does not directly address the issue of terrorism or of non-State actors using weapons of mass destruction to commit terrorist acts, but which could be applied in commensurate circumstances. The Offences Against the Person Act, Cap. 42, prohibits and penalizes:
- (a) Murder and manslaughter;
 - (b) Causing bodily harm;
 - (c) Causing danger to life, namely, by unlawfully and maliciously or recklessly engaging in conduct which places, or may place, another person in danger of death or serious bodily harm;
 - (d) Placing explosives near a building or ship with intent to do bodily harm;
 - (e) Possessing or making dangerous things to commit offences, namely, by knowingly possessing or making or manufacturing any gunpowder, explosive substance or any dangerous or noxious thing, or any machine, engine, instrument or thing, with intent by means thereof to commit or for the purpose of enabling any other person to commit any offence against the Act;
 - (f) Assault.

This Act also penalizes attempts to commit the above-listed offences (where applicable) and acts that aid and abet their commission.

5. The Proceeds of Crime Act, Cap. 143, prohibits and prevents the proceeds of and benefits derived, directly or indirectly, from the commission of offences listed in the schedule to the Act from being reaped or retained by persons. The Act also provides for the forfeiture and confiscation of property derived, obtained or realized as a result of the commission of any of the scheduled offences. The offences listed in the schedule include "terrorism offences under sections 3 or 4 of the Anti-terrorism Act".
6. The Foreign Incursions and Mercenaries Act, Cap. 174, prohibits anyone with "any measure of allegiance" to Barbados from engaging in insurrection in other countries and from recruiting mercenaries in Barbados. The Mercenaries (Convention) Act 174A incorporates the International Convention against the Recruitment, Use, Financing and Training of Mercenaries of 1989.

All States shall ... develop and maintain appropriate effective measures to account for and secure such items in ... use, storage or transport

7. Barbados acceded to the Chemical Weapons Convention in March 2007 and is in the process of improving mechanisms for accounting for and securing chemical substances that are in use, in storage and transported in Barbados. There is a need in this area for specific legislation and capacity-building. In the meantime, the Explosives Act, Cap. 162, which regulates handling of explosives, provides that the Minister may by order prohibit absolutely, or subject to conditions or restrictions, the manufacture, keeping/storage, importation, conveyance and/or sale of any explosive that is of so dangerous a character that it is expedient for public safety to make such an order. The Act defines explosives as including blasting powder, gun-cotton, dynamite, nitro-glycerine and all other explosive matter whatsoever. The Act also provides for the storage of explosives; however, these provisions may not be practicably applicable since in 1985, when the Act was passed, the storage of nuclear, chemical and biological material would not have been within the contemplation of the drafters.

8. The Miscellaneous Controls Act also provides some opportunity for accounting for certain materials entering Barbados (see para. 12 below).

All States shall ... develop and maintain appropriate effective physical protection measures

9. Barbados would be interested in exploring the possibilities for receiving information and assistance in this area.

All States shall ... develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation ... illicit trafficking and brokering in such items in accordance with ... national legal authorities ... consistent with international law

10. Agencies with responsibility in different respects for intercepting illegal activity at the borders are the Barbados Coast Guard, the Royal Barbados Police Force, the Customs and Excise Department, the Immigration Department, and the Barbados Defence Force. There are also regional mechanisms in place and further mechanisms currently being processed and implemented. The Regional Security System is one agency and the countries of the Caribbean Community (CARICOM) are presently negotiating regional security cooperation treaties, including a maritime and airspace security cooperation agreement. The draft maritime and airspace security cooperation agreement (the draft agreement) provides for, inter alia, routine security patrols by the appropriate forces of one State party of the air and maritime space of another with requisite notice and subject to prescribed conditions. The draft agreement provides further for the interception by a State party of a suspected vessel seaward of the waters of another State party subject to gaining the requisite permissions and authorizations of the competent authority of the other State party upon said interception.

11. The issue of resources (financial and human) can significantly affect the robustness and frequency of border patrols. The Coast Guard has recently acquired advanced equipment to assist in detecting and preventing illicit trafficking in

narcotic drugs and in weapons, and this acquisition will greatly facilitate the frequency of interception.

All States shall ... establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

12. The Customs Act, Cap. 66, and its subsidiary legislation regulate imports and exports into and from Barbados and establish a number of rules and mechanisms for the entry and exit of contraband. The Customs Act also prescribes rules regarding licensing for the import and export of certain items. The Miscellaneous Controls Act, Cap. 329, also contains provisions requiring the acquisition of licenses for the importation and/or exportation of certain substances or "goods" listed in the schedule thereto. These scheduled classifications include chemical substances and nuclear material. New substances can be included under the schedule by following the appropriate channels, and this is done, *inter alia*, in respect of hazardous chemical substances.

13. The Customs Department has recently acquired advanced x-ray equipment for scanning incoming containers. The Government of Barbados recognizes the importance of strict and rigid controls in this aspect of the implementation of Security Council resolution 1540 (2004) and would be interested to explore any opportunities for assistance in training and capacity-building. This notwithstanding, it must be noted that the Customs and Immigration Departments and the civil aviation authorities take part on a regular basis in seminars and workshops, some of which are coordinated by the United States Government, for the improvement of border controls and the training of customs, immigration and civil aviation officers on securing the airport and other ports of entry against threats of terrorism.

Assistance needs

14. In the light of the above, the Government of Barbados foresees that assistance may be needed in some areas. The general areas identified include:

- (a) Drafting of legislation;
- (b) Mechanisms for accounting for and securing nuclear, chemical and biological material in use, storage or transport;
- (c) Appropriate physical protection measures;
- (d) Strengthening of controls on all borders regarding imports, exports and re-exports;
- (e) Training of security forces in handling nuclear, chemical and biological material or in performing duties in the vicinity of such potentially hazardous substances.

The Government of Barbados intends to shortly hereafter commission an in-depth assessment of Barbados' specific assistance and capacity-building needs to be submitted to the Committee at a later date.

Conclusion

15. Barbados is a non-nuclear, non-chemical, non-biological weapon State and does not intend to alter this. Barbados firmly opposes, as it always has and will continue to do, the proliferation of such weapons. Barbados is also a small island developing State with limited resources at its disposal, and consequently the process of implementation of Security Council resolution 1540 (2004) is relatively slow. Nonetheless, Barbados possesses laws that can apply to the punishment of terrorists either directly or by means of extradition to certain countries where trial and judgement may take place. Barbados does require some assistance in the areas of capacity-building and in strengthening systems and mechanisms for monitoring and preventing incidents from occurring as well as in accessing greater resources for timely drafting of the necessary legislation. Barbados' participation in major disarmament treaties may also provide opportunities for assistance in the identified areas. Barbados is currently party to, inter alia, the Non-Proliferation Treaty, the Biological Weapons Convention, the Chemical Weapons Convention, and the Comprehensive Nuclear-Test-Ban Treaty.